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**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEVADA**

**Eric Vawter, et al,**

Plaintiffs,

v.

**Porch.com Inc.**, a Delaware corporation;  
**GoSmith Inc.**, a Delaware corporation;  
**Matthew Ehrlichman**, CEO and  
 co-founder of Porch.com Inc. and CEO of  
 GoSmith, Inc., in his individual capacity;  
**Brenton Marrelli**, CEO and co-founder of  
 GoSmith Inc., in his individual capacity;  
 and **Darwin Widjaja**, CTO and co-founder  
 of GoSmith Inc. and VP of Porch.com Inc.,  
 in his individual capacity,

Defendants.

Civil Case No.: 2:20-cv-00752-JAD-EJY

**UNOPPOSED MOTION FOR  
 EXTENSION OF DEFENDANTS' TIME  
 TO RESPOND TO PLAINTIFFS'  
 COMPLAINT**

Judge Jennifer A. Dorsey  
 Magistrate Judge Elayna J. Youchah

Pursuant to Fed. R. Civ. P. 6(b)(1) & L.R. IA 6-1, Plaintiffs, through counsel, file on behalf of Defendants' counsel, this Unopposed Motion to Extend Time for Defendants to Respond to Plaintiffs' Complaint. Plaintiffs respectfully request that this Court extend the deadline for Defendants to respond to the Complaint [Docket #1] until **Wednesday, July 15, 2020**.

## MEMORANDUM

### **I. INTRODUCTION**

Plaintiffs timely file this request on behalf of Defendants’ counsel and request the Court extend the deadline for Defendants Porch.com Inc., GoSmith Inc., Matthew Ehrlichman, Brenton Marrelli, and Darwin Widjaja (collectively, “Defendants”) to Respond to Plaintiffs’ Complaint until **Wednesday, July 15, 2020**. Defense counsel has conferred with Plaintiffs’ counsel, who does not oppose the extension and thus agreed to file on Defendants’ behalf. Defendants’ lead counsel is recovering from COVID-19 and Defendants have not yet appeared in the matter. This request is made for good cause, is not anticipated to prejudice any party, and does not cause undue delay.

### **II. FACTS**

1. This is a mass tort action alleging TCPA (Telephone Consumer Protection Act) violations. *See, generally*, Complaint [Docket #1]. There are 12 other similar actions in other jurisdictions for which the same counsel represent the parties. See Notice of Pendency [Dkt. #4].

2. Plaintiffs filed their Complaint in this action on April 27, 2020 in the United States District Court for the District of Nevada. *See* Dkt. #1.

3. Plaintiffs sent Defendants a waiver of service on April 30, 2020, which Defendants returned, signed and executed. *See* Dkt. #6. Under Fed. R. Civ. P. 4, Defendants’ response to the Complaint is currently due on June 29, 2020.

4. Counsel for Plaintiffs and Counsel for Defendants jointly agree that the extension requested is warranted.

5. Lead counsel for Defendants is recovering from COVID-19 and has requested additional time to prepare responsive pleadings in this matter. Defendants are still in the process of retaining local counsel in this matter. Plaintiffs do not oppose.

6. Additionally, the United States Supreme Court’s decision in *Barr v. American Association of Political Consultants Inc.*, No. 19-631, is expected to issue by June 30, 2020. This decision relates to the TCPA, and may impact this case. Counsel agree a brief extension

1 should allow better analysis after that decision has been issued.

2 7. Defendants have executed a waiver, which grants them an additional 39 days to  
3 respond. However, Plaintiffs have agreed to file this request on Defendants' behalf.

4 8. This request is made with good cause and will not cause undue delay. Neither  
5 party anticipates any prejudice as a result of the delay.

6 **III. ARGUMENT**

7 A party may request an extension of time for good cause. Fed. R. Civ. P. 6(b)(1); L.R.  
8 IA 6-1. Plaintiffs respectfully submit that good cause exists for granting additional time for  
9 Defendants to respond to the Complaint. By requesting this extension, no party is waiving any  
10 objections or defenses available under applicable law.

11 This is a mass tort action filed against Defendants, alleging violations of the Telephone  
12 Consumer Protection Act ("TCPA"). A Notice of Pendency was previously filed describing  
13 similar actions to which Defendants are also preparing to respond. *See* Dkt. # 4. Lead counsel  
14 for Defendants became ill with COVID-19 for several weeks. As a result, Defendants are still  
15 in the process of retaining local counsel in this and several other jurisdictions, as well as  
16 preparing the responsive pleadings.

17 Furthermore, the United States Supreme Court is expected to issue its decision in the  
18 case *Barr v. American Association of Political Consultants Inc.*, No. 19-631. As a result of  
19 issues raised in that matter, the Supreme Court could hold that the TCPA's autodialing  
20 restrictions are unconstitutional. Because the Supreme Court's decision is expected to issue  
21 imminently, and out of an abundance of caution, the parties agree that an extension of time is  
22 advisable.

23 The Court has not scheduled any hearings or other events in this case. The parties  
24 believe the requested extension to file a responsive pleading will not unduly delay the  
25 proceedings. The parties foresee no adverse effect or prejudice if the Unopposed Motion is  
26 granted. For these reasons, this Unopposed Motion is made in good faith and Plaintiffs  
27 respectfully request that it be granted.  
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